

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NEW YORK IMMIGRATION
COALITION, CASA DE MARYLAND,
AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE,
ADC RESEARCH INSTITUTE, and
MAKE THE ROAD NEW YORK,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE; and WILBUR L. ROSS,
JR., in his official capacity as Secretary
of Commerce, and

BUREAU OF THE CENSUS, an agency
within the United States Department of
Commerce; and RON S. JARMIN, in his
capacity as performing the non-
exclusive functions and duties of the
Director of the U.S. Census Bureau,

Defendants.

Civil Action No. 1:18-cv-05025-JMF

DECLARATION OF DANIEL ALTSCHULER

Daniel Altschuler, pursuant to the provisions of 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am the Director of Civic Engagement and Research for Plaintiff Make the Road New York (“MRNY”). In that capacity, I am responsible in part for community organizing, communications, and research for MRNY, including MRNY’s education, outreach, and research efforts around the 2020 Decennial Census in the communities MRNY serves. I have been on staff at MRNY since September 2011. I am also an Assistant Adjunct Professor of Public Service at New York University Wagner School of Public Service. I hold a doctorate in Politics

and a master's degree in Development Studies from Oxford University where I studied as a Rhodes Scholar.

2. MRNY is a nonprofit membership organization with offices and service centers in Brooklyn, Queens, Staten Island, Suffolk County, and White Plains.

3. MRNY's mission is to build the power of immigrant and working-class communities. To do that, MRNY engages in four core strategies: Legal and Survival Services, Transformative Education, Community Organizing and Policy Innovation.

4. MRNY has more than 23,000 members who reside in New York City, Nassau County, Suffolk County, and Westchester County. These members lead multiple organizing committees across numerous issues and program areas of concern to the organization. Members take on leadership roles in the campaigns, determine priorities, and elect the representatives who comprise most of the Board of Directors.

5. MRNY members in New York City and Nassau, Suffolk, and Westchester Counties rely on a number of facilities and services the funding for which is allocated based on the data generated by Decennial Census. These facilities and services include parents with children enrolled in schools that receive funding under Title I of the Elementary and Secondary Education Act; families whose children benefit from insurance funded by the State Children's Health Insurance Program; drivers who use interstate highways and mass transit on a daily basis and thus depend on federal highway funds to perform their jobs; and people who rely on housing assistance through various funding provided under Section 8, among other Census-guided funding streams.

6. The Decennial Census is a critical and constitutionally-mandated data-gathering instrument, used to distribute hundreds of billions of dollars in federal resources and to apportion

political power at the federal, state, and local levels. The importance of a complete and accurate Decennial Census is significant and requires a direct inquiry of every person in the United States.

7. Because a complete and accurate Census count is critical to ensuring that our members receive the government funding and full political representation to which they are entitled, MRNY has an ongoing commitment to promoting engagement in the Decennial Census among its members and constituents. In the months leading up to and during the 2010 Census, MRNY conducted outreach and engagement work with the immigrant community in its region concerning census participation. That work consisted of educating constituents about the Decennial Census and its importance to the community—in particular, that the population count under the Census partially determines the level of governmental funding for programs our members rely on and the amount of political representation our members receive at the federal, state, and local levels.

8. During the 2010 Census, MRNY was part of a coalition of organizations participating in an initiative titled, “Yes We Count,” designed to improve the completeness and accuracy of the count in the New York City area. Like other groups in the coalition, MRNY was responsible for conducting outreach in specific geographic areas. MRNY created educational materials to be distributed to community members and hired people to conduct door-to-door canvassing at thousands of homes. MRNY also operated a series of workshops for the public, as well as for canvassers and community leaders, aimed at educating New York City residents about the purpose and uses of the Census as well as the importance of responding to the Census. MRNY expended approximately \$150,000 and more than one thousand personnel hours on its census education and outreach efforts for the 2010 Census.

9. MRNY has been and remains committed to Census education and outreach work in part because MRNY understands that immigrants and communities of color have been consistently and routinely undercounted by the Census. From our work in the community, we understand that one reason that immigrants and communities of color have been undercounted is a fear of contact with the government and distrust of government officials.

10. This level of fear and distrust of government among immigrants and communities of color we serve has been exacerbated by the Trump Administration and its officials' hostility to these communities. Among the racist and xenophobic acts that the Trump Administration has undertaken include banning individuals from six majority Arab and/or Muslim countries from entering the United States; rescinding the Deferred Action for Childhood Arrivals program, which allowed 800,000 individuals—90% of whom are Latino—brought to this country as children to legally reside and work in the United States; rescinding Temporary Protected Status programs for individuals from El Salvador, Honduras, Nicaragua, Haiti, and Nepal; calling for an end to the diversity visa lottery; dramatically increasing interior enforcement raids in communities across the United States; and proposing to end family-based immigration, which would disproportionately harm immigrants from Latin America and Asia. MRNY and its members have consistently fought these efforts to intimidate and marginalize immigrants of color in the courts, in the streets, and at the ballot box.

11. Now, New York immigrant communities' heightened fear of interacting with government workers has increased even further due to the decision to add the citizenship question. The citizenship question creates an incremental obstacle to Census participation because it ties the fear of immigrant communities of color directly to the Decennial Census instrument. By adding a citizenship question to the Decennial Census, the Trump Administration has taken advantage of a

unique opportunity to bring their campaign to intimidate and marginalize immigrants into the home of every immigrant. The citizenship question threatens to put all immigrant respondents, as well as their families and neighbors, in a bind: Identify your disfavored status to a hostile administration or risk the loss of critical federal resources and political representation. For an administration that has found myriad ways to threaten and disparage immigrants, the citizenship question presents a singularly intrusive and effective method of attacking immigrants—one that has generated an incremental and heightened fear for immigrant communities of color.

12. For the 2020 Census, MRNY once again is participating in outreach and education work and is seeking outside funding to help support this work. This work includes, among other activities, general education programs, workshops for members, and door-to-door outreach. MRNY is already facing a much more challenging environment for conducting outreach and encouraging immigrants of color to respond to the 2020 Census than the 2010 Census because of our members and constituents' heightened fear of interacting with government workers as a result of the Trump Administration's persistently hostile and discriminatory actions and attitudes towards immigrants of color.

13. This fear has already been exacerbated by the Administration's efforts to add a citizenship question and will be further exacerbated if the citizenship question is included in the 2020 Census. This fear is not unique to undocumented immigrants or non-citizens with documented legal status, but also to family and household members of non-citizens, who have expressed concern that participating in the Census that includes a citizenship question would invade their privacy and expose their family, friends, and neighborhoods to profiling by the law enforcement agencies of an administration hostile to immigrants of color. MRNY has confirmed

from conversations with several of its members that some of them would be fearful of responding to the Census questionnaire if the citizenship question is added.

14. For example, at a MRNY event in Manhattan in June 2018, a MRNY member—a Latino noncitizen—told me that she would be afraid to open the door for a government official asking about citizenship status and expressed reluctance to respond to the Census if it included a citizenship question.

15. For another example, in May 2018, at one of MRNY's offices in Brooklyn, a DACA recipient who lives in a household that includes both undocumented persons and persons with documented legal status told me that he was afraid to answer the Census out of fear of subjecting households or other households on their block to profiling by immigration authorities.

16. For a third example, in June 2018, an MRNY member who is a naturalized United States citizen and resident of Long Island told me said that she would be less likely to respond to the Census if it included a citizenship question because she is fearful of the consequences of answering the question for non-citizens in her neighborhood.

17. Additionally, I am aware of at least three other individuals that have expressed fear about answering the Census survey if the citizenship question is on it: a 48 year-old non-citizen MRNY member of Honduran origin who lives in Brooklyn; a 30 year-old woman of Ecuadorian origin with DACA status who resides in Suffolk County and comes from a mixed status family; and a 54 year-old woman of Salvadoran origin who is a United States citizen and resides in Suffolk County with her mixed status family.

18. These members have communicated fears that the addition of the citizenship question would give a hostile administration information about the number of citizens and non-citizens on a neighborhood basis, or even on a city block basis. These members have expressed that this

impending loss of privacy about this deeply personal citizenship information about themselves, their loved ones, and their neighbors has caused emotional stress and fear. In particular, members are concerned that this citizenship information will be made public such that it can be viewed and potentially used for law enforcement profiling against people on blocks with high levels of noncitizens by agencies like Immigrations and Customs Enforcement or other parts of the Trump Administration that have been used to intimidate and marginalize immigrants.

19. MRNY's increased investment in Census education, research, and outreach, has been driven in part by concerns about the citizenship question expressed by these and other members and the immigrant communities we serve. Because of the information we have received concerning the heightened fear and suspicion created by the citizenship question among our members and the communities we serve, MRNY has begun its 2020 Census outreach earlier than initially anticipated. MRNY will be forced to expend more resources than initially anticipated to try to reduce the negative effect of this question on the response rate in the immigrant communities of color it serves. MRNY expects that it will need to interact with its constituents multiple times to answer questions and try to convince them to participate in the 2020 census. MRNY expects that it will need to spend more resources to reach the same number of people and that ultimately it will be less successful in convincing its constituents to participate in the 2020 Census than in 2010 due in large part to the presence of the citizenship question. MRNY anticipates expending at least double the amount on 2020 Census education and outreach that the organization spent on its efforts to encourage participation in the 2010 Census.

20. To date, far more than a year out from the Census, MRNY has already created a bilingual, two-page informational sheet for educational purposes, and our communications team has spent several hours creating and sharing social media content to educate the public and

encourage them to submit public comments on the citizenship question. MRNY's research team has also spent approximately 30 hours researching the impact of an undercount towards the purpose of informing our communications and outreach efforts to our members on about 2020 Decennial Census. Additionally, MRNY has organized nearly 30 organizations statewide—and subsequently nearly twenty organizations on Long Island—to sign onto letters rejecting the proposed citizenship question and to release a joint media statement once the question was formally recommended. MRNY has also convened multiple strategy meetings—one in person on Long Island with about twelve groups and one by phone with about five groups—to educate people about the citizenship question and begin plans to organize against it. MRNY has already started to offer presentations and workshops in the communities that it serves regarding the 2020 Census. And MRNY has been preparing educational materials and training its staff members to provide education regarding the purpose of the Census and the importance of responding, and also to conduct outreach, particularly to Spanish-speaking audiences, to encourage the communities we serve to participate in the census.

21. Looking forward to future efforts as the Census nears, MRNY is preparing all of our offices and service centers to provide Census education and outreach through the direct education, health, and legal services that we provide. MRNY is also planning a door-to-door canvassing operation on an even greater scale than in 2010. Because of the need to increase the time and money spent on Census outreach due to the addition of the citizenship question, MRNY will need to divert resources from other areas critical to its mission including civic engagement and community organizing on other issues. MRNY has already diverted resources from other areas in order to address concerns from its constituents stemming from the announcement of the

citizenship question, including voter registration and voter engagement, which are mission-critical programs during the Spring and Summer of an election year.

22. MRNY has also already diverted resources with regard to its participation in this lawsuit. The legal director and at least two staff attorneys remain updated consistently on litigation efforts, communicate with named members in this suit and executive staff, and coordinate internally about the suit. The legal director has spent approximately ten hours drafting declarations, communicating with the litigation team, drafting educational materials, fielding questions from the organization, and communicating with individual MRNY members about the litigation. I have personally spent at least 50 hours on Census-related work that I otherwise would have spent on other civic engagement areas of work, such as voter registration and voter education.

23. Beyond the increased fear MRNY members face due to the Trump Administration's invasion of their privacy, these members also face significant negative consequences in the event of an undercount. MRNY members reside in New York City, Westchester, Nassau, and Suffolk Counties, the populations of which include immigrant communities of color that far exceed state and national averages. An undercount of those populations will deprive MRNY members of political influence and Census-guided funding to which they would be entitled by a more accurate count.

24. MRNY members in New York City and Nassau, Suffolk, and Westchester Counties rely on a number of facilities and services the funding for which is allocated based on the data generated by Decennial Census. These facilities and services include parents with children enrolled in schools that receive funding under Title I of the Elementary and Secondary Education Act; families whose children benefit from insurance funded by the State Children's Health

Insurance Program; drivers who use interstate highways and mass transit on a daily basis and thus depend on federal highway funds to perform their jobs; and people who rely on housing assistance through various funding provided under Section 8, among other Census-guided funding streams.

25. One MRNY member who will suffer injury due to the addition of a citizenship question is Julissa Bisono. I am aware that Ms. Bisono is a resident of Queens County. I am aware that Ms. Bisono is a parent with a child attending a public school in Community School District 27 that receives Title I funding.

26. Another MRNY member who will suffer injury due to the addition of a citizenship question is Diana Zarumeno. I am aware that Ms. Zarumeno is a resident of Queens County. I am aware that Ms. Zarumeno is a parent with a child attending a public school in Community School District 24 that receives Title I funding.

27. Another MRNY member who will suffer injury due to the addition of a citizenship question is Maria Hernandez. I am aware that Ms. Hernandez is a resident of Kings County. I am aware that Ms. Hernandez is a parent with a child attending a public school in Community School District 32 that receives Title I funding.

28. Another MRNY member who will suffer injury due to the addition of a citizenship question is Lorena Mendez. I am aware that Ms. Mendez is a resident of Kings County. I am aware that Ms. Mendez is a parent with a child attending a Head Start program in Community School District 32.

29. Another MRNY member who will suffer injury due to the addition of a citizenship question is Perla Lopez. I am aware that Ms. Lopez is a resident of Queens County, New York. Because the number of Latino and immigrant residents of Queens County far exceeds the New

York state average, an undercount of Latino and immigrant residents of Queens County will cause Ms. Lopez and other MRNY members in Queens to be deprived of political power and funding that will instead go to other areas of New York State.

30. Another MRNY member who will suffer injury due to the addition of a citizenship question is Yatziri Tovar. I am aware that Ms. Tovar is a resident of Bronx County, New York. Because the number of Latino and immigrant residents of Bronx County far exceeds the New York state average, an undercount of Latino and immigrant residents of Bronx County will cause Ms. Tovar and other MRNY members in Queens to be deprived of political power and funding that will instead go to other areas of New York State.

I, Daniel Altschuler, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Dated: Brooklyn, New York

October 26, 2018



Daniel Altschuler